

EXHIBIT 1

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11
12 **IN THE UNITED STATES DISTRICT COURT**
13
14 **FOR THE DISTRICT OF NEW MEXICO**

15 RANDY DONK, GUN OWNERS OF
16 AMERICA, INC., and GUN
17 OWNERS FOUNDATION,

18 Plaintiffs,

19 v.

20 MICHELLE LUJAN GRISHAM, in
21 her official capacity as the Governor of
22 New Mexico, PATRICK M. ALLEN,
23 in his official capacity as the Cabinet
24 Secretary of the New Mexico
25 Department of Health, JASON R.
26 BOWIE, in his official capacity as the
27 Cabinet Secretary of the New Mexico
28 Department of Public Safety, and W.
TROY WEISLER, in his official
capacity as the Chief of the New
Mexico State Police,

Defendants.

Case No. 1:23-cv-00772-DHU-LF

**SUPPLEMENTAL DECLARATION OF
PLAINTIFF RANDY DONK**

1. My name is Randy Donk. I am an adult, a U.S. citizen, and a resident of New Mexico. I live in Bernalillo County, New Mexico.

2. I make this declaration in support of Plaintiffs' Complaint for Declaratory and Injunctive Relief. Unless otherwise stated, I make this declaration based on personal knowledge. If called as a witness, I can testify to the truth of the statements contained therein.

1 3. As stated in my previous declaration of September 9, 2023, I carry my handgun with
2 me every day, everywhere it is lawful to do so.

3 4. I regularly walk my dog into and through public parks. In one of these locations,
4 access along the paved path to the dog area requires traveling through a playground. There
5 is no other reasonable way for me to access this area of the park that is set aside for dogs
6 (not children) to play.

7 5. I frequently visit public parks, playgrounds, and public areas provided for children
8 to play in with my grandchildren. I also intend to visit the Esperanza Bike Shop and BMX
9 Complex with my grandson in the near future.

10 6. I utilize City of Albuquerque Open Space areas several times a year. Among other
11 activities, I use these to hike with my daughter and to fly my drone.

12 7. I also use City of Albuquerque Shooting Range Park at least a few times each month,
13 weather depending, for its shooting facilities to maintain my firearms proficiency, an
14 activity that requires possession of firearms. I possess a card showing that I am authorized
15 to use the Shooting Range Park, which bears a seal or logo indicating that it is an “open
16 space” run by City of Albuquerque Parks and Recreation.

17 8. I shop at malls, grocery stores, Home Depot, Walmart, and other stores and
18 restaurants, many of which either provide areas for children to play or are located in
19 shopping centers that have indoor and/or outdoor spaces for children to play.

20 9. I visit fast food restaurants, such as McDonalds, which have attached play spaces
21 dedicated to children.

22 10. I go to Paradise Hills Community Center for events, which has a public swimming
23 pool as well, and intend to take my grandchildren there in the near future.

24 11. I also intend to attend the Bernalillo County Sheriff’s Office’s Trunk-or-Treat event
25 on October 21, 2023, at the John A. Prive Law Enforcement Center, 400 Roma Ave NW,
26 Albuquerque, NM, where children and members of the public will be invited to play and
27 enjoy other activities.

1 12. I intend to continue the above-described activities, and intend to carry my firearm
2 lawfully everywhere I am lawfully able to do so, but the Amended Public Health Order
3 makes carrying my firearm in many of the places I normally travel, and still intend to travel,
4 unlawful.

5 13. It is necessary for me to carry my firearm not only when I am by myself, but also
6 (and even more importantly) when I am with my children and grandchildren, to ensure that
7 I am able to defend not only my life but also those of my loved ones. The conditions, and
8 types of other individuals, at any area open to the public, including parks, playgrounds,
9 shopping centers, and open spaces, are variable and unpredictable, so I cannot otherwise
10 guarantee that danger posed by ill-intentioned people can be avoided or guarded against
11 without being armed.

12 14. As a grandfather, it is my responsibility to protect my grandchildren when they are
13 under my care, but the Amended Public Health Order would disarm me and possibly
14 prevent me from protecting my family. Criminals, by definition, will not obey this order,
15 which will restrict only law-abiding and responsible persons like myself.

16 15. Notably, the Amended Public Health Order does not even exempt holders of New
17 Mexico concealed carry licenses (myself included), who are among the most law abiding
18 and most responsible members of society.

19 16. It is my understanding that the Amended Public Health Order issued by Secretary
20 Allen on September 15, 2023, prohibits the carrying of firearms in all or nearly all of the
21 places I have described above. This places me in the predicament of having to choose
22 between giving up my Constitutional right to public carry, including my ability to defend
23 myself and my grandchildren, or risking citation or arrest for violation of this order, which
24 may further impact my ability to exercise my rights.

25 17. Further, I find it impossible to identify the full extent of what places fit the term
26 “public areas provided for children to play in,” as there is nowhere that such places are
27 clearly listed, nor are these places publicly posted as off-limits to firearms. This means I
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1 may have to make the choice between giving up my right to carry a firearm in much of my
2 daily activities, or else risk penalties for inadvertent violations where I cannot reasonably
3 determine if I have entered a restricted location.

4 18. I declare under penalty of perjury that the foregoing is true and correct.

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6 Dated: October 6, 2023



7 **RANDY DONK**
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